

APPEAL NO. 042303
FILED NOVEMBER 3, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 18, 2004. The hearing officer determined that the appellant (claimant) has a six percent impairment rating (IR) as certified by the designated doctor appointed by the Texas Workers' Compensation Commission (Commission). The claimant appeals this determination on sufficiency of the evidence grounds. The claimant also requests that the Appeals Panel order the respondent (self-insured) to provide further medical treatment for the compensable injury. The self-insured did not file a response.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant has a six percent IR as certified by the Commission-appointed designated doctor. Section 408.125(c) provides that the report of the designated doctor shall have presumptive weight and the Commission shall base the IR on that report unless the great weight of the other medical evidence is to the contrary. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)) provides that the designated doctor's response to a request for clarification is considered to have presumptive weight as it is part of the designated doctor's opinion. Whether the great weight of the other medical evidence was contrary to the opinion of the designated doctor is basically a factual determination for the hearing officer to resolve. Texas Workers' Compensation Commission Appeal No. 93459, decided July 15, 1993. We view the report of the claimant's treating doctor as representing a difference in medical opinion, which does not rise to the level of the great weight of medical evidence contrary to the designated doctor's report. Accordingly, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

As stated above, the claimant requests that the Appeals Panel order the self-insured to provide further medical treatment for the compensable injury. Such request is beyond the scope of our review.

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SECRETARY
(ADDRESS)
(CITY), TEXAS (ZIP CODE)**

Edward Vilano
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Veronica L. Ruberto
Appeals Judge